

**Lewis County Planning Commission  
Public Meeting  
Lewis County Courthouse  
351 NW North St.  
Chehalis, WA 98532**

**June 9, 2009 – 7:00 P.M.  
Meeting Notes**

**Planning Commissioners Present:** Bob Guenther, Jim Lowery, Mike Mahoney, Rachael Jennings, Arny Davis

**Planning Commissioners Excused:** Richard Tausch, Bill Russell

**Staff Present:** Fred Chapman, Matt Hyatt, Phillip Rupp, Glenn Carter, Pat Anderson

**Others Present:** Please see sign in sheet

**Handouts/Materials Used:**

- Agenda
- Meeting Notes from May 12, 13, 19, 20 and 26, 2009
- Proposed Comp Plan text changes re: CAO
- Proposed Amendments to LCC 17.35A
- Proposed Amendments to LCC 15.35

**I. Call to Order**

Chairman Jennings called the meeting to order at 7:01 P.M. Commissioners introduced themselves. Chairman Jennings read Resolution 09-172 appointing Jim Lowery, District 1, to the Planning Commission.

**II. Old Business**

The Chair entertained a motion to approve the meeting notes from May 12, 13, 19, 20 and 26, 2009. The motion was made and seconded and carried unanimously.

**III. New Business**

Chairman Jennings opened the workshop on Channel Migration Zones (CMZ) and recognized Mr. Phillip Rupp.

Mr. Rupp stated proposed changes to the Comp Plan and Development Regulations would limit development or re-development in areas that are susceptible to damage due to changes in the flow of the upper Cowlitz. Documents for review are the Comp Plan, which reviews the definition of the CMZ and allows the County to pass development regulations that apply to the areas defined as the CMZ, and Title 15.35 of the Lewis County Code which deals with the regulations. The intent of the regulations is to identify the areas that are highly vulnerable to changes caused by the river and to reduce the risk to life and property.

Commissioner Mahoney confirmed that the proposed changes were only regarding the upper Cowlitz.

Mr. Rupp stated that was correct; the changes will apply to the CMZ as defined in the Code which are defined as those found on the upper Cowlitz.

Mr. Fred Chapman, Lewis County Building Official and Flood Plain Manager, explained the 2006 (a 12-year) event that exceeded the flood of record by four feet. It was caused by rainfall that forced sediment into the Cowlitz. This sediment and large woody debris moved through the river system and locked up in several places creating sand bars and rock bars and these in turn re-directed the river.

Mr. Chapman showed slides of photographs taken of the river in 2007. The river has divided itself into two systems with a deep gradient and a braided shallow system.

The Department of Ecology FCAAP program provided grant money and the County hired Geo Engineers, Seattle, who provided the text that will be presented later.

The Channel Migration Zone is a broad area but within that zone is a severe zone, a moderate and a low zone. The creation of the severe zones is the result of the projections based on historic and current trends as to where the river could be within a 5-10 year period.

Mr. Chapman introduced Mr. Matt Hyatt with GIS. Mr. Hyatt explained that Geo Engineers analyzed the system of the upper Cowlitz. He showed the slide of the area, which goes from the Forest Service boundary north of Packwood to the Scanewa Lake. The area is broken up into reaches which are distinct areas with particular properties that cause the channel to move, the gradient on the reach, types of soils that are there, whether it is a confined canyon or more broad area. They have discovered in the braided areas the channel migrates in a way that is more episodic in jumping around rather than meandering.

The air photo record includes about eight years of photos and for each year they were digitized and layered and an historical channel occupancy map was created. This is the basis for the CMZ. The rates that were calculated for each reach were measured out fifty years from the edge of the occupancy area for where they expect the CMZ to be. That area was pointed out on the screen.

The County's concern is the severe CMZ which is the greater of either the 10 year extrapolation of the rates or a single episode. If in a particular storm a large part of a bank is being recessed, at least that much would be included into the severe area.

Mr. Hyatt stated there is also LiDAR data which is equivalent to a two-foot contour survey of the surface. This has been helpful to see where the channel is likely to go.

Mr. Hyatt showed the first reach which is in the canyon coming off of the mountain. There is not a lot in the way of channel migration there; it is a conduit for the water and sediment and is not considered a severe zone. The second reach is around the evulsions

area site which is a broad, severe area. This has been loaded with sediment with each event. The next reach covers the High Valley and Timberland areas down to Canyon Rd. This area has a wide severe zone due to the sediment loading causing the river to widen. Reach four is the area around the bridge and the severe area tightens up and is being constrained by the bridge and confined by bedrock. South of the bridge the CMZ opens up but the severe area does not expand much. Packwood itself is low but it is not expected to have any danger of the channel going there because of a high point that runs through there, parallel to the highway.

Reach seven is the last area before US Highway 12 crosses the river; the channel is somewhat braided and also shows signs of meandering. All the possibilities of how the channel could move were looked at, with the slow, long-term migration rate and with an episodic or event-driven bank recession. Further down the severe zone comes up as high as the River Ranch Road because of the meander bend which is happening quite fast. Since 1988 the river has been moving steadily toward River Ranch Road. Mr. Hyatt pointed out the meander bend that is growing and it is anticipated a meander bend will occur on either side of this one. This entire area was put into the severe zone for these reasons.

One evulsions area that was looked at and determined to be at high risk is near Packwood. Mr. Hyatt showed the area that was very nearly breached in the 2007 event. If the river tops over it will erode the bank between the bank and the river. The severe area is broad in that area due to that possibility.

Mr. Chapman stated the technology used in this study is very sound science. It is the County's intent to get the message out that there is great risk for development in these areas. The red line on the slide indicates the river could occupy any area within it in a ten-year period, or it could be a single event. The 2006 event was a rainfall event. We are being pushed by the regulatory agencies to reduce risk, and that is part of our agreement with the Federal government in our participation in the National Flood Insurance Program (NFIP), which is subsidized by the Federal government.

Commissioner Lowery asked how many homes are inside the CMZ.

Mr. Chapman stated there is no inventory of the structures. This technology and information is new to the County and we are still working on the final draft, but we want to get information to the Planning Commission and to the public. The White Pass Ski Resort is going to expand and that will result in the demand for that area to increase its development. Mr. Chapman noted that the Cowlitz is not the only river with these issues. Any river fed by the glaciers is experiencing this same phenomenon.

Commissioner Guenther asked if there have been building permits issued in this area this year.

Mr. Chapman stated there are building permits for this area. He has to function under the current regulatory platform. He has advised people not to build and has required geo-

technical reports. He has refused some permits where the geo-technical reports came back stating there should not be development. The only way to control the river is to control the flow. There is no way the County, State or Feds have the money to maintain the system in a controlled environment: it is too volatile and too susceptible to event-driven episodes.

Commissioner Mahoney asked how many homes were severely damaged in the last three years within the 50-year zone.

Mr. Chapman stated he did not know within the 50-year zone, but since 2006 there have been about 32 homes totally destroyed by episodic events in east Lewis County. In this region there were 18 structures above the bridge that were totally destroyed.

Commissioner Guenther asked if someone buys a lot in the CMZ to build a home and the ruling is that he cannot build, is that person left holding the bag.

Mr. Chapman stated yes. He encourages people to do due diligence, to look at the technical information. The purpose of these workshops is to inform the public. These are high risk zones. Mr. Chapman stated one gentleman decided not to buy property in one of the high risk areas last year and it was a good decision; the lot was lost during the last flood.

Commissioner Guenther asked if a sign could be put up on the County roads advising people to check with the County before purchasing land.

Mr. Chapman stated he has shared information with prospective buyers about the risks but until this report is final and adopted, he must operate under the current code. The revetments that have been constructed give people a false sense of security. Out of the four that were installed, three are already gone. You cannot stop this volume of water.

Commissioner Mahoney asked Mr. Hyatt to show the severe area on the slide. The areas between the heavy red lines are the severe zone; the areas between the yellow lines are the outer boundary of the total CMZ and could be moderate or low risk. There is already a lot of development in the severe zone.

Mr. Chapman stated under the current regulations, these areas are considered to be in the flood plain. In 1981 when the federal maps were completed, they also mapped a flood way and it overlays with the severe zone. That is where the highest and fastest flows are being confined. As it spreads out you get the over-topping events. The moderate and low zones would still be regulated under the existing plan. In the severe zone the recommendation is to regulate as though it is a flood way. That means if you have a pre-existing structure you are allowed to maintain it. If it is damaged beyond 50% of its value, for whatever reason, you would not be allowed to repair it. Currently there are 11 structures scheduled for buyout under HMGP application.

Commissioner Mahoney agrees with that but there are over 100 homes in the zone.

Mr. Hyatt stated this area is the most dramatic regarding the CMZ encroaching on to existing areas of development.

Commissioner Mahoney asked about the Randle area.

Mr. Hyatt stated the Randle area is different. The existing FEMA flood way exceeds where the CMZ has been mapped, so it is already under the no-build type of regulation.

Commissioner Lowery asked if the last two floods were taken out of the study, would that have an impact on the severe boundaries.

Mr. Chapman stated yes, it would. The sediment load that came down in 2006 is still high in the river system. The river by Rainy Creek could jump over the revetment if a large woody debris event or if another major evulsion occurred.

Commissioner Guenther asked if it is known if the lots are owned by one person or corporation and split up to sell or are they already sold.

Mr. Chapman believes most of them are owned by families. The parcel lines shown on the slide were not adjusted to the aerial photo and are probably not entirely accurate.

Commissioner Davis stated the severe area is the area being proposed for new regulations and the area to the yellow line will remain the same. If a home is damaged and a decision is made that it sustained more than 50% damage (he would not like to see the County make this evaluation) it will be the County's judgment that the homeowner cannot rebuild.

Mr. Chapman stated that is correct. In that process there is an accepted formula that the Federal government has created to evaluate structures. The homeowner has the ability to challenge that and that will be accepted by the County. Mr. Chapman stated the damage does not need to be done by a flood. If there was a fire the structure still could not be rebuilt because the purpose behind this proposal is to reduce the risk to future losses to the property homeowner and the government.

Commissioner Davis stated he has an issue about the control factor and he also stated these people should not be eligible for FEMA money. He understands there could be rescue costs, etc. but if someone wants to spend their money to rebuild their home for one year or ten years they should have the right to do that.

Mr. Chapman stated there have been cases throughout the country similar to this. He sited an example of a person who managed to convince the city or jurisdiction to allow him to build in a high risk area and when he lost everything he sued the city and won.

Mr. Chapman reminded the Planning Commission that the flood way regulations already exist and have been enforced for many years. This information and technology is new. If

an event causes the river to move 500 feet, do we move the line. We are struggling with the concepts and when to look at these again. Will it be an event driven regulation and do we re-map after every event.

Mr. Hyatt stated the FEMA maps that are currently in use do not relate to what has actually happened on the ground. We are still trying to figure out if any of the boundaries still need adjusting and warrant moving.

Mr. Chapman stated we are proposing the changes based on best available information. Independent site evaluations should be acceptable if there is no other specific information.

Chairman Jennings asked if the properties could be flagged to notify a potential buyer that a property could be at risk.

Mr. Chapman stated the CMZ information is on the website.

Chairman Jennings stated there are people who would not even think about looking for this type of information.

Commissioner Davis agreed and stated every parcel is recorded and there should be a way to flag that property so a potential buyer can investigate flood hazards, etc.

Mr. Chapman stated under the NFIP program he is prohibited from devaluing property because of flooding but some type of notification is something that could be examined further. He would not be opposed to have some type of notice. There are a lot of absentee property owners and the County sends out notifications about the flood season as part of the flood reduction program. If that is something you would like to see as part of this process, Mr. Chapman is not opposed to it.

Commissioner Mahoney stated when property is sold in an ag zone the buyer is notified that there could be dust, noise, odors, etc. If we establish a zone can't that same type of notification be done for a CMZ? The County is not making a determination; it is telling someone that the property is within the CMZ.

Mr. Hyatt asked if this is done in the CMZ would it need to apply to all critical areas.

Mr. Rupp stated all critical areas are mapped.

Mr. Chapman stated the people who are buying these lots need to take some responsibility for due diligence, to evaluate what they are doing.

Commissioner Guenther stated all the people who own property in the severe zone should be notified that they should disclose the risk to a potential buyer.

Commissioner Davis stated this presentation has provided very good information and it needs to be used to inform the public.

Mr. Chapman stated the County has the mailing addresses for all property owners in the flood plain. We could pull the parcels in the CMZ and when we do our mailing for flood hazard reduction, incorporate that notice with this. We might be able to make that happen, but our staff has been reduced by 50% because of budget shortfalls, and we would need to find the revenue.

Mr. Rupp stated there will be no public testimony tonight since this is a workshop. He stated the Commissioners have the text revisions to Chapter 15.35 and they can schedule another workshop to discuss any issues heard tonight as well as reviewing the Comprehensive Plan text. A CMZ workshop has been tentatively scheduled for July 14 or you can have a workshop followed immediately by a public hearing on August 11.

It was the consensus of the Planning Commission to have a workshop before the public hearing, and not on the same day. The second workshop was scheduled for July 28 since some of the Commissioners and Mr. Chapman would not be available on July 14.

Mr. Rupp stated action must be taken tonight to set the public hearing on August 11 so it can be properly noticed. The public hearing will be held in Packwood, location to be determined, and it will begin at 6:00 P.M.

#### **IV. Calendar**

The next meeting is June 16 in Morton for an Agricultural Resource Lands designation public hearing. The meeting will reconvene on June 17 in Chehalis, both beginning at 6:00 P.M.

#### **V. Good of the Order**

Mr. Mark Romero, Packwood, stated he is located in the CMZ severe zone. His property was purchased in the 1960's and has not been affected by any flooding. The river has moved closer and away from his property during that time and he does not understand the logic that within the next ten years there is a significant risk that the river would move into that area. He also asked about the affect of this change. He has had geotechnical reports on the lots he intended to develop and Mr. Brazil looked at the land and gave his suggestions given the risk. Would this would change and have an affect on his ability to build and to take the expert opinion and take a reasonable risk. Would this change the rules under which he was working when he received the report? Is he complying with the proposed change or would this put additional restrictions on the use of his property?

Chairman Jennings explained to Mr. Romero that this workshop is not the forum for questions and answers but Mr. Romero can contact Mr. Chapman with questions.

Mr. Rupp stated the questions brought up will be responded to in the follow-up work shops with the Planning Commission.

Mr. Scott Silver is a homeowner in the Timberline Community association and pointed out his properties on the map. He has been there since 1982. A revetment has been rebuilt and has held up fairly well. He stated it is difficult for him to see all the homeowners be abandoned because they are now in a CMZ. Does being in a CMZ affect your ability for insurance or will a buyer be unable to get mortgage insurance. The County could protect properties on the High Valley side. This study is great but something must be done to protect those properties. He stated a lot of tax payers would be affected by the designation of the severe zone and there are a lot of taxes going into the system from these homeowners. Both High Valley and Timberline have homeowners associations and Mr. Silver would be happy to help notify all the homeowners of informational meetings.

Mr. Mark Peterson has a cabin in Timberline and just purchased property on the lower side. A couple of years ago he talked to Mr. Chapman about a five-acre piece and was advised against the purchase. He did not buy it and it was flooded; however he wants the County to take a very close look at where the severe boundary is drawn. Where it is now on the lower side of Timberline it runs through bedrock. Mr. Peterson believes an on-the-ground inspection should be made and the line should be moved out of the bedrock where there is no chance of erosion. The grade on the river is crucial to getting the line in the correct place. He has seen what the river can do and he would like to see what can be done about protecting investments there.

Mr. Gene Butler stated his concern is the public hearing next week. He has looked at the Chronicle every day and has not seen the notification for the hearing.

Chairman Jennings stated the notice was published on May 30 and we have the affidavit of publication.

Mr. Rupp stated Mr. Butler can go to Community Development and be shown the documentation.

## **V. Adjourn**

The meeting adjourned at 8:34 P.M.